

**GENERAL ORDER NO. 50**

**CRIMINAL JUSTICE ACT PROCEDURES**

The following procedures are applicable to cases in which counsel has been appointed pursuant to 18 United States Code section 3006A or 21 United States Code section 848(q).

1. All CJA documents, with the exception of the CJA 23, shall be filed in the confidential CJA financial files maintained by the Clerk's Office, whether or not a previous sealing order has been entered. CJA documents include vouchers (CJA forms 20, 21, 24, 30 and 31), supporting documentation, budget plans, funding requests and authorizations, interim payment orders and travel requests and orders in criminal cases and in capital habeas corpus cases where the appropriate statutory standard has been met for confidentiality pursuant to 21 United States Code section 848(q)(9). The CJA 23 (Financial Affidavit) will continue to be maintained in the court's public files. Documents maintained in the CJA Financial File shall not be disclosed to the public except as provided by statute, by the Guide to Judiciary Policies and Procedures or by order of the court. In light of this policy, it is not necessary to request sealing of CJA documents encompassed by this order, and counsel shall not file such requests.

2. In all cases where an interim payment order has been filed, including those where withholding has been previously ordered, the Clerk's Office shall discontinue withholding funds from interim payments. The Clerk's Office has implemented this policy and it shall be effective *nunc pro tunc* as of March 21, 2000. All vouchers claiming amounts in excess of the statutory maximums will be forwarded to the U.S. Court of Appeals for the Ninth Circuit for approval.

3. Authority under the Criminal Justice Act to approve vouchers claiming reimbursement is delegated to the CJA Supervising Attorney, who will authorize payment after review is conducted as to authorization and mathematical accuracy and subject to any guidelines approved by the CJA Committee for the following: A) all vouchers for attorneys, and for service providers requesting payments under \$500.00 or that are within funding limits pre-authorized by a district court or magistrate judge, in felony, misdemeanor, non-capital habeas cases and other criminal proceedings; B) all vouchers for attorneys and service providers in capital habeas cases in which the expenditure has been authorized in a budget approved by a district court judge; C) all vouchers for transcript services and vouchers for interpreter services where the payment requested is under \$500.00 or the expenditure has been authorized by a district court or

magistrate judge. The CJA Supervising Attorney shall obtain the approval of the judge presiding over the case with respect to any proposed reduction which exceeds \$450.00.

Authority is further delegated to the CJA Supervising Attorney to approve and authorize the following: requests for interpreter services, routine travel requests and requests for preparation of transcripts.

4. All appointed counsel, court appointed experts and other service providers shall comply with the following instructions when filing compensation vouchers in this court.

A. In support of CJA Forms 20 and 30, counsel shall submit a worksheet in the same format as the worksheets provided in the Criminal Justice Act Panel Attorney Manual for the United States District Court, Northern District of California. The worksheets must detail the tasks performed and assign such tasks to categories specified on the voucher. Automated worksheets are available in computer format on the court's website at **[www.cand.uscourts.gov](http://www.cand.uscourts.gov)**. Alternatively, counsel may provide supporting documentation from an attorney's timekeeping system in a format which provides 1) itemization of tasks in chronological order and 2) itemization of tasks sorted by voucher category in chronological order. Worksheets or other supporting statements in any other format are not acceptable and will be returned with the voucher for resubmission.

B. In completing worksheets, hours billed must be divided in tenths of an hour and will be returned to the claimant if the hours are not in this format. Each voucher entry shall reflect discrete individual tasks and shall not simply list multiple tasks performed in a specified block of time. Information should be provided in sufficient detail as to permit meaningful review, without violation of the canons of ethics or disclosure of attorney work product, including but not limited to: specification by identifying information of witnesses interviewed<sup>1</sup>; identification of persons involved in telephone conversations or conferences and topic discussed<sup>2</sup>; specific topics researched; identification of documents reviewed or prepared, including transcripts and pleadings drafted or reviewed, by title and page numbers; and, if necessary for an understanding of the task, explanation of its relevance to the federal proceedings. Aggregate time blocks or entries which are vague or ambiguous will not be approved for payment. If the level of detail is insufficient for auditing purposes, the vouchers will be returned to counsel for resubmission with

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<sup>1</sup> If counsel feels it is inappropriate to provide the name of a witness, identification by type of witness (e.g. "guilt phase witness #1") is sufficient. The court requires sufficient information to distinguish between individuals interviewed.

<sup>2</sup> A simple description of the general topic of discussion, not specific details, is requested.

adequate detail.

C. In support of CJA Forms 21 and 31, appointed experts and other service providers shall submit supporting documentation for services rendered in a form that provides adequate detail to enable review.

D. When compensation exceeds, or is expected to exceed, the statutory maximums permitted pursuant to 18 United States Code section 3006(A)(d)(3), before payment will be authorized, counsel must submit a declaration or memorandum justifying excess payment. Counsel are referred to the CJA Panel Attorney Manual for the United States District Court, Northern District of California, for further information regarding this requirement. Counsel may also use the CJA Form 26 for this purpose, which may be downloaded from the court's website.

E. Answers to questions concerning appointment under the Criminal Justice Act can generally be found in: (1) 18 U.S.C. §3006A; (2) 21 U.S.C. §848(q)(4) et. seq.; (3) the Criminal Justice Act Plan of the United States District Court for the Northern District of California, available through the Clerk's Office; (4) the Criminal Justice Act Panel Attorney Manual for the United States District Court, Northern District of California; and (5) the Guidelines for the Administration of the Criminal Justice Act, published by the Administrative Office of

the United States Courts, also available through the library of the United States District Court. Should these references fail to provide the desired clarification or direction, counsel should address their inquiries to the Clerk's Office, CJA Unit or the CJA Supervising Attorney.

ADOPTED: June 30, 2000                      For the Court  
AMENDED: October 16, 2000  
AMENDED: April 24, 2001  
AMENDED: June 18, 2002  
AMENDED: March 15, 2005

/S/ VAUGHN R. WALKER  
VAUGHN R. WALKER  
Chief Judge